

REMARKS

In the March 10, 2006 Office Action, the drawings and specification stand objected to, and Claims 1-39 stand rejected. Applicant has submitted replacement drawings and a substitute specification, has amended various claims, and has canceled Claims 10-11 and 29. In light of these submissions and amendments, Applicant respectfully requests that the drawings, specification, and claims remaining in this application be reconsidered.

Drawings

Various drawings stand objected to based upon a number of informalities. In accordance with Applicant's submission of corrected replacement drawings, Applicant respectfully requests these objections be withdrawn.

With respect to Figures 8 and 10, the Examiner has stated that multiple reference characters have been used to designate Linear Process, Decision Trees and Rules Engine, Manual Process, Steps, and Hierarchy, and in Figure 10, XML databases. The Examiner has required corrected drawings under 37 C.F.R. § 1.84(p)(4). Applicant respectfully disagrees.

The multiple references refer to different instances of the respective process steps or databases. For instance, in Figure 8, steps 240 and steps 246 are the same type of process. However, steps 240 originates from linear process 232 which in turn originates from End to End Business Process 230. In a different instance of the process steps, steps 246 originates from a separate instance of linear process (i.e., linear process 244) which in turn originates from workflows 238. The uses of separate reference characters with elements that are named the same indicate this fact.

The same rationale is applied to Figure 10. The different references characters indicate two separate XML databases. This fact is made clear, when read with the specification. Accordingly, Applicant respectfully requests these requirements to correct the drawings be withdrawn.

Specification

The disclosure is objected to because of numerous informalities. Due to the number of corrections, please replace the specification with the enclosed substitute specification as allowed under 37 C.F.R. § 1.121 and in compliance with 37 C.F.R. §§ 1.125(b) and (c). The substitute

specification includes no new matter. Accordingly, in light of the substitute specification, Applicant respectfully requests these objections be withdrawn.

Claim Objection

Claim 33 stands objected to because of a typographical error. Applicant has corrected this error and respectfully requests this objection be withdrawn.

Claim Rejections—35 U.S.C. § 101

Claims 1-39 stand rejected based upon 35 U.S.C. § 101 stating that the claims are directed towards non-statutory subject matter. The Examiner states that Applicant's "modeling a process, process capture, and capturing user's interactions with a computer" references are abstract ideas. Applicant respectfully disagrees. When the claims are read with the specification, it is obvious that the phrases "modeling a process, process capture, and capturing a user's interactions with a computer" in the respective claims describe the claimed invention and the type of data that is being manipulated. However, in the interests of expediting prosecution of this application, Applicant has amended the various claims to overcome this rejection. In light of these amendments, Applicant respectfully requests this rejection of Claims 1-39 be withdrawn.

Claim Rejections—35 U.S.C. § 112

Claims 1-39 stand rejected based upon 35 U.S.C. § 112, first paragraph because the Examiner states that such a rejection is necessary if a § 101 rejection is made. Applicant respectfully disagrees with the assertion that the claimed invention has not been sufficiently disclosed. However, in the interests of expediting prosecution of this application, Applicant has made various amendments to the claims to overcome the § 101 rejections. In light of these amendments, Applicant respectfully requests that these § 112 rejections of Claims 1-39 be withdrawn.

Claims 5-8 stand rejected under 35 U.S.C. § 112, first paragraph because the Examiner asserts that the limitation "context information" has not been described in the specification. Applicant respectfully disagrees.

Context is described in numerous locations within the specification in such a way as to convey to one skilled in the relevant art that the Applicant had possession of the claimed invention. The specification describes context on page 5:

an embodiment of the invention creates virtual footprints in the software application to serve as a real-time **context** determination, in the form of **context** points, that identify when the user is interacting with the software application. The virtual footprint identifies where in the software the user has been so that the steps being taken by the user may be identified and the items performed placed into **context**. The virtual footprints and **context** points are used in the present method for the process capture and modeling . . . to integrate disparate systems and content and to fuse knowledge into processes based upon a specific user's goal. (emphasis added)

Context is also referred to at page 10 in describing the process development environment:

The process development environment 52 transforms disparate applications into **context** and process aware applications. The application **context** awareness is leveraged to establish a business process goal awareness and link to specific **context** points in the applications. (emphasis added)

Furthermore, usage of context is referred to at page 32:

The present invention contextualizes the content with the user **context** in the application. In other words, the user's actions are **placed into context with the operations being performed on the software application** so that an understanding of what is being done by the user is possible. (emphasis added)

The American Heritage Dictionary of the American Language, Fourth Edition, published by Houghton Mifflin Company defines context as "the circumstances in which an event occurs." The same source defines information as "processed, stored, or transmitted data" or in the alternative, "a collection of facts or data." Taken together, context information is data that describes the circumstances in which an event occurs.

Consequently, context sufficiently describes information that includes data that identifies "when the user is interacting with the software application" (see page 5); data that leverages context awareness "to establish a business process goal awareness and link to specific context point in the applications" (see page 10); and data that places user's action "into context with the operations being performed on the software applications" (see page 32). Accordingly, Applicant respectfully requests this § 112 rejection of Claims 5-8 be withdrawn.

Claim Rejections—35 U.S.C. § 102

Claims 1-2, 4-5, 7-13, 15-18, 20-25, 27-36, and 38-39 stand rejected based upon 35 U.S.C. § 102(b) as being anticipated by Bullwinkel (U.S. Patent No. 6,099,317). Applicant respectfully disagrees.

Claim 1

Bullwinkel does not anticipate each and every element of the claim. Bullwinkel is limited to recording events that occur within a *single* specific software application. The Application Player/Recorder (APR) only records those actions performed and occurring in a *single* target software application. The purpose of this record and playback is to teach one to learn the target software application. (see Description of the Related Art, para. 2). In other words, Bullwinkel is incapable of recording any action for which the APR was not programmed or any action performed with other software which was not specifically “targeted” or pre-programmed to be utilized by the APR. It is also incapable of recording any action performed outside the software application and/or computer such as recording the visual and auditory events of a phone call, conversation with another employee, or other manual tasks.

Furthermore, Bullwinkel’s invention is business process un-aware. As stated in Bullwinkel’s Summary of the Invention, the invention is used for “training employees to use computer applications” (see col. 2, lines 7-8), “to determine whether they use the target applications in an efficient manner” (see col. 2, lines 31-33), “evaluate a user’s performance within a target application” (see col. 2, lines 58-59), or “graphically demonstrate how to perform an action within a target application” (see col. 2, lines 61-62). All of these purposes and uses of Bullwinkel are narrowly focused on the user and training on a specific software application without regard to, or an awareness of, how that application or user fit into an overall business process.

In contrast, Applicant’s invention, as recited in claim 1, is a method comprising the step of “remotely capturing an action of a user in performing said business process wherein said action is selected from the group of manual action, computer-based action, and combinations thereof.” As stated in Applicant’s Summary of the Invention “[t]he present invention provides a remote capture capability for capturing input and information on business processes” (see page 2). Not only is the present invention, as claimed, capable of capturing manual and computer-

based tasks, this capture is conducted within the context of modeling a business process, which spans multiple, disparate software applications and a myriad of manual tasks. As such, Bullwinkel is incapable of anticipating the present invention as claimed. Accordingly, Applicant respectfully requests this § 102 rejection of Claim 1 be withdrawn.

Claims 2, 4-5, and 7-11

Bullwinkel does not teach each and every element contained within the referenced claims. As set forth above with regard to Claim 1, Bullwinkel is limited to recording events that occur within a specific software application, is incapable of recording manual tasks, and is business process un-aware. Applicant's invention is a method of business process data collection comprising the step of "automated remote capturing of business process data generated by at least one user's performance of said business process, wherein said capturing includes capture of data generated by at least one action of said at least one user wherein said action is selected from the group of manual action, computer-based action, and combinations thereof." In other words, Applicant's invention, as claimed, can record events unrelated to software applications, can record manual tasks, and is fully business process aware. Accordingly, Applicant respectfully requests this § 102 rejection of Claim 2 be withdrawn.

With respect to Claim 4, in addition to being dependent from an independent claim that is not anticipated, Bullwinkel does not teach each and every element of Claim 4. Nowhere does Bullwinkel teach capture of audio or visual data. The Examiner cited the phrase "the APR system is designed to allow users . . . to capture, manipulate, and play back target application command sequences much in the same way as audio, video, or any other media is recorded, manipulated, and played back." (see col. 6, lines 55-59). The Examiner has misread the specification. Bullwinkel captures only "target application command sequences." Nothing more. It further states that the invention captures these sequences "*much in the same way as audio, video or any other media is recorded*" (emphasis added). This phraseology is an analogy to how well known technology for recording audio and video works so that the reader may understand how Bullwinkel's capture of target application command sequences works. This is not the same as describing or claiming that one's invention actually records audio and video data. Accordingly, Applicant requests this § 102 rejection for Claim 4 be withdrawn.

With respect to Claim 5, in addition being dependent from an independent claim that is not anticipated, Bullwinkel does not teach each and every element of Claim 5. Nowhere does

Bullwinkel teach “business process data [that] includes context information.” The Examiner cited “hooks” which enable the system of Bullwinkel to record events such as mouse and keyboard clicks or when windows are opened, moved, or destroyed. This is not context information. As stated in Bullwinkel, hooks are what enable recordation of events (see col. 4, lines 63-677). No discussion of any context information as claimed by Applicant is disclosed by Bullwinkel. Thus, Applicant respectfully requests this § 102 rejection for Claim 5 be withdrawn.

With respect to Claims 7-9, as these claims are dependent on claims which Applicant submits are not anticipated by Bullwinkel, Applicant respectfully requests the § 102 rejections for Claims 7-9 be withdrawn.

With respect to Claims 10-11, Applicant has canceled these claims and respectfully requests these § 102 rejections for Claims 10-11 be withdrawn.

Claims 12 and 13

Bullwinkel does not teach each and every element of Claims 12-13. As cited by the Examiner, Bullwinkel simulates a working environment so that a user may be trained on the target software application for which the APR system has characterized. This simulation still requires a user to performed tasks setup by the APR. In other words, the APR sets up a “to do” list for a user so that it may train the user to perform discrete linear tasks related to the target software application.

In contrast, the present invention, as set forth in amended Claim 12 and original Claim 13, is comprised of the step of “streaming said captured data files to a computer to simulate a user performing the process.” Simulate in this context means performing the process the user would perform **without the user**. As such, Bullwinkel is incapable of anticipating the present invention, as claimed, since a user is required to interact with the APR. Accordingly, Applicant respectfully requests this § 102 rejection be withdrawn for Claim 12 and Claim 13 which depends therefrom.

Claims 15-17

Bullwinkel does not teach each and every element of Claim 15. Nowhere does Bullwinkel teach “defining capture settings of a plurality of users” and “remotely capturing business process data generated by two or more interactions of at least one user with said plurality of computers according to said capture settings as captured data files” as recited in the claims. The use of Bullwinkel’s system is limited to multiple users running the *same* copy of a

characterized application at the *same* time, i.e., application sharing (see col. 5, lines 35-56). In fact, Bullwinkler “simply requires that both users have the shared application installed on their machine.” This is a one user to one computer relationship. The present invention as claimed has no such limitation. As such, Bullwinkler is incapable of anticipating the present invention as claimed.

With respect to Claim 16, in addition to being dependent upon a claim that is not anticipated, nowhere does Bullwinkler teach that “at least one of said capture settings are different between at least two of said plurality of users using said plurality of computers.” Bullwinkler is limited to multiple users running the same copy of a characterized application. As such, it is necessary to the APR’s operation that APR characterization shares the same settings. If the settings are different between users, Bullwinkler’s system is inoperable. Thus, Applicant respectfully requests the § 102 rejections for Claims 15 and 16 be withdrawn.

With respect to Claim 17, in addition to being dependent upon a claim Applicant submits is not anticipated, nowhere does Bullwinkler teach different capture settings or the presence of audio or video recording. As set forth above, Bullwinkler by its nature is incapable of capturing audio or video. Accordingly, Applicant respectfully requests the § 102 rejection be withdrawn for Claim 17.

Claim 18 and 20

As argued in association with Claim 1 above, Bullwinkler does not teach each and every element of these claims; specifically, “remotely capturing business process data generated by an action of a user in performing the process wherein said action is selected from the group of manual action, computer-based action, and combinations thereof” as recited in the amended claim. Accordingly, Applicant respectfully requests the § 102 rejection be withdrawn for Claim 18 and Claim 20 which depends therefrom.

Claim 21

As argued in association with Claims 2 and 4 above, Bullwinkler does not teach each and every element of the claims; specifically, “capture of data generated by at least one action of said at least one user wherein said action is selected from the group of manual action, computer-based action, and combinations thereof and wherein said capturing includes data generated selected from the group of audio data, video data, and combinations thereof” as recited in the amended

claim. Accordingly, Applicant respectfully requests the § 102 rejection for Claim 21 be withdrawn.

Claim 22

The Examiner has rejected Claim 22 under the same rationale as Claim 1. As argued above in association with Claim 1, Applicant submits Bullwinkel does not anticipate the amended claims. Accordingly, Applicant respectfully requests this § 102 rejection for Claim 22 be withdrawn.

Claims 23-25 and 27-30

The Examiner has rejected Claims 23-25 and 27-30 under the same rationale as Claims 2, 4, 5, 7, and 9-11. As argued above in association with Claims 2, 4, 5, 7, and 9, Applicant submits Bullwinkel does not anticipate the amended claims. Accordingly, Applicant respectfully requests these § 102 rejections for Claims 23-25 and 27-30 be withdrawn.

Claims 31-33

The Examiner has rejected Claims 31-33 under the same rationale as Claims 12-14. As argued above in association with Claims 12 and 13, Applicant submits Bullwinkel does not anticipate the amended claims. Accordingly, Applicant respectfully requests these § 102 rejections for Claims 31-33 be withdrawn.

Claims 34 and 35

The Examiner has rejected Claims 34 and 25 under the same rationale as Claims 15-17. As argued above in association with Claims 15-17, Applicant submits Bullwinkel does not anticipate the amended claims. Accordingly, Applicant respectfully requests this § 102 rejection for Claims 34 and 35 be withdrawn.

Claims 36 and 38

The Examiner has rejected Claims 36 and 38 under the same rationale as Claims 18-20. As argued above in association with Claim 1, 18 and 20, Applicant submits Bullwinkel does not anticipate the amended claims. Accordingly, Applicant respectfully requests these § 102 rejections for Claims 36 and 38 be withdrawn.

Claim 39

The Examiner has rejected Claim 39 under the same rationale as Claim 21. As argued above in association with Claims 2, 4, and 21, Applicant submits Bullwinkel does not anticipate

the amended claims. Accordingly, Applicant respectfully requests this § 102 rejection for Claim 39 be withdrawn.

Claim Rejections—35 U.S.C. § 103

Claim 3

Claim 3 stands rejected based upon § 103(a) as being unpatentable over Bullwinkel as applied to Claim 2 above, in view of Van Ossenbruggen, “The Role of XML in Open Hypermedia Systems.” Applicant respectfully traverses this rejection.

As set forth above, Bullwinkel does not teach each and every element of the claim. The combination of Ossenbruggen does not cure this deficiency. Notwithstanding this fact, nowhere in Bullwinkel or Ossenbruggen is the motivation found to combine these references as cited by the Examiner. The Examiner states that the motivation to combine is to “introduce hypermedia technology into as many applications and components of existing computing environments as possible and to evolve current computing environments into a world-wide, unified hypermedia environment spanning multiple computing platforms.” Nowhere in either reference is Bullwinkel’s system referred to as an “open hypermedia system.” In fact, Bullwinkel is a closed system used to characterize specific applications for training purposes. As such, no motivation to combine can be inferred.

Furthermore, nowhere does either reference teach that the addition of XML to Bullwinkel desirable or achievable in any manner. As stated in MPEP 2143.01(III), even if the references can be combined this alone is not itself sufficient to meet the Examiner’s burden of prima facie obviousness. The only motivation to combine these references has come from Applicant’s disclosure and as such is impermissible hindsight construction.

Lastly, the existence of XML does not automatically make the integration of this document language into every known computing environment desirous or achievable. Under this rationale, every single use of XML in any method or system should be desirable and therefore would render the patent application for that method or system obvious. Just as use of a particularly programming language, such as C, to program an application does not automatically render an invention obvious, neither does the incorporation of XML into technology related systems and methods. Without more, there is no motivation to combine these references. Accordingly, Applicant respectfully requests this § 103 rejection for Claim 3 be withdrawn.

Claims 6 and 26

Claim 6 and 26 stand rejected based upon § 103(a) as being unpatentable over Bullwinkel as applied to Claims 2-5 in view of Vincenti, "Data Mining for Imprecise Temporal Associations." Applicant respectfully traverses this rejection.

As argued in association with Claims 2-5 above, Bullwinkel does not teach each and every element of Claim 6 as amended. Combination with Vincenti does not cure this deficiency. As such, no combination of Bullwinkel and Vincenti teaches each and every element of the amended Claim 6. Accordingly, Applicant respectfully requests this § 103 rejection for Claim 6 be withdrawn.

With respect to Claim 26, the Examiner states Claim 26 is the system version of method Claim 6 and is rejected under the same rationale. As such, Applicant respectfully requests this § 103 rejection for Claim 26 be withdrawn under the same rationale as argued under Claim 6.

Claim 14

Claim 14 stands rejected based upon § 103(a) as being unpatentable over Bullwinkel as applied to Claims 12-13 in view of Chadha, "A Model Driven Methodology for "Business Process Engineering." Applicant respectfully traverses.

As argued in association with Claims 12-13 above, Bullwinkel does not teach each and every element of Claim 14 as amended. Combination with Chadha does not cure this deficiency. As such, no combination of Bullwinkel and Chadha teaches each and every element of the amended Claim 14. Accordingly, Applicant respectfully requests this § 103 rejection for Claim 14 be withdrawn.

Claim 19 and 37

Claim 19 and 37 stand rejected based upon § 103(a) as being unpatentable over Bullwinkel as applied to Claim 18 in view of Vincenti, "Data Mining for Imprecise Temporal Associations." Applicant respectfully traverses.

As argued in association with Claim 18 above, Bullwinkel does not teach each and every element of Claim 19 as amended. Combination with Vincenti does not cure this deficiency. As such, no combination of Bullwinkel and Vincenti teaches each and every element of the amended claim. Accordingly, Applicant respectfully requests this § 103 rejection for Claim 19 be withdrawn.

With respect to Claim 37, the Examiner states Claim 37 is the system version of method Claim 19 and is rejected under the same rationale. As such, Applicant respectfully requests this § 103 rejection for Claim 37 be withdrawn under the same rationale as argued under Claim 19.

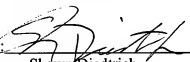
CONCLUSION

In view of the above remarks, Applicant respectfully submits that all of the currently pending claims are allowable over the cited prior art. Accordingly, Applicant respectfully requests reconsideration and allowance of all pending claims. The Examiner is invited to telephone the undersigned at (602) 382-6577 at the Examiner's convenience, if that would help expedite the prosecution of the subject Application. Applicant authorizes and respectfully requests that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

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